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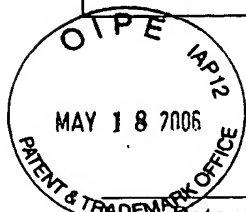
Dated: May 15, 2006

Signature: _____

(Raymond Garguilo, Jr.)

IFW

Docket No.: SPINE 3.0-437 CIPCIPCIPCIP CON XV
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Errico et al.

Group Art Unit: 3738

Application No.: 10/642,527

Confirmation No. 3169

Filed: August 15, 2003

Examiner: B. E. Pellegrino

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Dear Sir:

It is respectfully requested that the references cited in the enclosed form be considered pursuant to 37 C.F.R. § 1.97(c). Please charge deposit account No. 12-1095 in the amount of \$180.00 pursuant to 37 C.F.R. § 1.17(p). In the event that any additional fee is due in connection with the present request, the same should be charged to our Deposit Account No. 12-1095.

Dated: May 15, 2006

Respectfully submitted,

By _____

Raymond Garguilo, Jr.

Registration No.: 50,930

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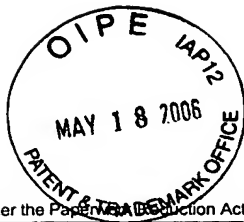
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/642,527-Conf. #3169
				Filing Date	August 15, 2003
				First Named Inventor	Joseph P. Errico
				Art Unit	3738
				Examiner Name	B. E. Pellegrino
Sheet	1	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIP CON XV

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA*	US-2,193,122	03/1940	Crabbs	
	AB*	US-2001/0007073	07-05-2001	Zucherman, et al.	
	AC*	US-2001/0016773-A1	08-23-2001	Serhan et al.	
	AD*	US-2001/0020170-A1	09-06-2001	Zucherman et al.	
	AE*	US-2001/0039452-A1	11-08-2001	Zucherman et al.	
	AF*	US-2002/0062131-A1	05-23-2002	Gallo, Sr.	
	AG*	US-2002/0082695-A1	06-27-2002	Neumann	
	AH*	US-2002/0099377	07-25-2002	Zucherman, et al.	
	AI*	US-2002/0111679-A1	08-15-2002	Zucherman et al.	
	AJ*	US-2002/0111681-A1	08-15-2002	Ralph et al.	
	AK*	US-2002/0111682-A1	08-15-2002	Ralph et al.	
	AL*	US-2002/0111684	08-15-2002	Ralph, et al.	
	AM*	US-2002/0111685-A1	08-15-2002	Ralph et al.	
	AN*	US-2002/0128714-A1	09-12-2002	Manasas et al.	
	AO*	US-2002/0161375-A1	10-31-2002	Ralph et al.	
	AP*	US-2003/0014057-A1	01-16-2003	Ralph et al.	
	AQ*	US-2003/0014109-A1	01-16-2003	Ralph et al.	
	AR*	US-2003/0014110-A1	01-16-2003	Ralph et al.	
	AS*	US-2003/0014112-A1	01-16-2003	Ralph et al.	
	AT*	US-2003/0014113-A1	01-16-2003	Ralph et al.	
	AU*	US-2003/0014114-A1	01-16-2003	Ralph et al.	
	AV*	US-2003/0014115-A1	01-16-2003	Ralph et al.	
	AW*	US-2003/0014116-A1	01-16-2003	Ralph et al.	
	AX*	US-2003/0023245-A1	01-30-2003	Ralph et al.	
	AY*	US-2003/0023309-A1	01-30-2003	Ralph et al.	
	AZ*	US-2003/0023310-A1	01-30-2003	Ralph et al.	
	AA1*	US-2003/0028197-A1	02-06-2003	Hanson et al.	
	AB1*	US-2003/0028249-A1	02-06-2003	Baccelli et al.	
	AC1*	US-2003/0028252-A1	02-06-2003	Ralph et al.	
	AD1*	US-2003/0040801-A1	02-27-2003	Ralph et al.	
	AE1*	US-2003/0055503-A1	03-20-2003	O'Neil	
	AF1*	US-2003/0060886-A1	03-27-2003	Van Hoeck et al.	
	AG1*	US-2003/0065395-A1	04-03-2003	Ralph et al.	
	AH1*	US-2003/0069586-A1	04-10-2003	Errico et al.	
	AI1*	US-2003/0069642-A1	04-10-2003	Ralph et al.	
	AJ1*	US-2003/0074067-A1	04-17-2003	Errico et al.	
	AK1*	US-2003/0100951-A1	05-29-2003	Serhan et al.	
	AL1*	US-2003/0125748	07-03-2003	Li, et al.	
	AM1*	US-2003/0149438-A1	08-07-2003	Nichols et al.	
	AN1*	US-2003/0149482-A1	08-07-2003	Michelson	
	AO1*	US-2003/0187508	10-02-2003	Cauthen	
	AP1*	US-2003/0191534-A1	10-09-2003	Viart et al.	
	AQ1*	US-2003/0199981	10-23-2003	Ferree	
	AR1*	US-2003/0204260-A1	10-30-2003	Ferree	

Examiner Signature	Date Considered
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				Art Unit	3738
				Examiner Name	B. E. Pellegrino
Sheet	2	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIP CON XV

	AS1*	US-2003/0208271-A1	11-06-2003	Kuras	
	AT1*	US-2003/0225408-A1	12-04-2003	Nichols et al.	
	AU1*	US-2003/0229358-A1	12-11-2003	Errico et al.	
	AV1*	US-2003/0233097-A1	12-18-2003	Ferree	
	AW1*	US-2003/0233148-A1	12-18-2003	Ferree	
	AX1*	US-2004/0002759-A1	01-01-2004	Ferree	
	AY1*	US-2004/0002762-A1	01-01-2004	Hawkins	
	AZ1*	US-2004/0010316-A1	01-15-2004	William	
	AA2*	US-2004/0024406-A1	02-05-2004	Ralph et al.	
	AB2*	US-2004/0024407-A1	02-05-2004	Ralph et al.	
	AC2*	US-2004/0030387-A1	02-12-2004	Landry et al.	
	AD2*	US-2004/0030389-A1	02-12-2004	Ferree	
	AE2*	US-2004/0030390-A1	02-12-2004	Ferree	
	AF2*	US-2004/0034426-A1	02-19-2004	Errico et al.	
	AG2*	US-2004/0078079-A1	04-22-2004	Foley	
	AH2*	US-3,867,728	02-25-1975	Stubstad et al.	
	AI2*	US-4,309,777	01-12-1982	Patil	
	AJ2*	US-4,566,466	01-28-1986	Ripple et al.	
	AK2*	US-4,605,417	08-12-1986	Fleischauer	
	AL2*	US-4,759,766	07-26-1988	Buettner-Janz et al.	
	AM2*	US-4,759,769	07-26-1988	Hedman et al.	
	AN2*	US-4,932,969	06-12-1990	Frey et al.	
	AO2*	US-4,997,432	03-05-1991	Keller	
	AP2*	US-5,034,254	07/1991	Cologna et al.	
	AQ2*	US-5,236,460	08-17-1993	Barber	
	AR2*	US-5,258,031	11-02-1993	Salib, et al.	
	AS2*	US-5,306,308	04-26-1994	Gross et al.	
	AT2*	US-5,314,477	05-24-1994	Marnay	
	AU2*	US-5,370,697	12-06-1994	Baumgartner	
	AV2*	US-5,401,269	03-28-1995	Buttner-Janz et al.	
	AW2*	US-5,425,773	06-20-1995	Boyd et al.	
	AX2*	US-5,507,816	04-16-1996	Bullivant	
	AY2*	US-5,548,642	10-17-1995	Beer et al.	
	AZ2*	US-5,556,431	09-17-1996	Buttner-Janz	
	AA3*	US-5,562,738	10-08-1996	Boyd et al.	
	AB3*	US-5,674,296	10-07-1997	Bryan et al.	
	AC3*	US-5,676,701	10-14-1997	Yuan et al.	
	AD3*	US-5,676,702	10-14-1997	Ratron	
	AE3*	US-5,683,464	11-04-1997	Wagner et al.	
	AF3*	US-5,683,465	11-04-1997	Shinn et al.	
	AG3*	US-5,755,796	05-26-1998	Ibo et al.	
	AH3*	US-5,782,830	07-21-1998	Farris	
	AI3*	US-5,782,832	07-21-1998	Larsen et al.	
	AJ3*	US-5,827,328	10-27-1998	Butterman	
	AK3*	US-5,865,846	02-02-1999	Bryan et al.	
	AL3*	US-5,888,226	03-30-1999	Rogozinski	
	AM3*	US-5,895,428	04-20-1999	Berry	
	AN3*	US-5,899,941	05-04-1999	Nishijima	

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	AO3*	US-5,989,291	11-23-1999	Ralph et al.	
	AP3*	US-6,001,030	12-14-1999	Bryan et al.	
	AQ3*	US-6,019,792	02-01-2000	Cauthen	
	AR3*	US-6,039,763	03-21-2000	Shelokov	
	AS3*	US-6,063,121	05-16-2000	Xavier et al.	
	AT3*	US-6,066,174	05-23-2000	Farris	
	AU3*	US-6,113,637	09-05-2000	Gill et al.	
	AV3*	US-6,136,031	10-24-2000	Middleton	
	AW3*	US-6,146,421	11-14-2000	Gordon et al.	
	AX3*	US-6,156,067	12-05-2000	Bryan et al.	
	AY3*	US-6,159,215	12-12-2000	Urbahns et al.	
	AZ3*	US-6,179,874	01-30-2001	Cauthen	
	AA4*	US-6,228,118	05-08-2001	Gordon	
	AB4*	US-6,280,458	08-28-2001	Boche, et al.	
	AC4*	US-6,319,257	11-20-2001	Carignan et al.	
	AD4*	US-6,368,350	04-09-2002	Erickson et al.	
	AE4*	US-6,375,682	04-23-2002	Fleischmann et al.	
	AF4*	US-6,416,551	07-09-2002	Keller	
	AG4*	US-6,428,544	08-06-2002	Ralph et al.	
	AH4*	US-6,436,102	08-20-2002	Ralph et al.	
	AI4*	US-6,471,725	10-29-2002	Ralph et al.	
	AJ4*	US-6,478,796	11-12-2002	Zucherman et al.	
	AK4*	US-6,478,800	11-12-2002	Fraser et al.	
	AL4*	US-6,478,801	11-12-2002	Ralph et al.	
	AM4*	US-6,517,580	02-11-2003	Ramadan et al.	
	AN4*	US-6,527,804	03-04-2003	Gauchet et al.	
	AO4*	US-6,554,864	04-29-2003	Ralph et al.	
	AP4*	US-6,562,047	05-13-2003	Ralph et al.	
	AQ4*	US-6,579,320	06-17-2003	Gauchet et al.	
	AR4*	US-6,582,466	06-24-2003	Gauchet	
	AS4*	US-6,582,468	06-24-2003	Gauchet	
	AT4*	US-6,592,624	07-15-2003	Fraser et al.	
	AU4*	US-6,607,559-A1	08-19-2003	Ralph et al.	
	AV4*	US-6,610,092-A1	08-26-2003	Ralph et al.	
	AW4*	US-6,623,525	09-23-2003	Ralph et al.	
	AX4*	US-6,645,249	11-11-2003	Ralph et al.	
	AY4*	US-6,669,732	12-30-2003	Serhan, et al.	
	AZ4*	US-6,673,113	01-06-2004	Ralph et al.	
	AA5*	US-6,682,562	01-27-2004	Viart et al.	
	AB5*	US-6,692,495	02-17-2004	Zacouto	
	AC5*	US-6,706,068	03-16-2004	Ferree	
	AD5*	US-6,716,245	04-06-2004	Pasquet, et al.	

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Sheet	4	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIP CON XV

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	WO-97/10776-A2	03/1997	STEINBERG, AMIRAM		

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